

## **2013 DRAFTING REQUEST**

### **Assembly Amendment (AA-AB262)**

Received: <b>9/16/2013</b>	Received By: <b>agary</b>
Wanted: <b>As time permits</b>	Same as LRB:
For: <b>Keith Ripp (608) 266-3404</b>	By/Representing: <b>Elisabeth Portz</b>
May Contact:	Drafter: <b>agary</b>
Subject: <b>Transportation - other</b>	Addl. Drafters: <b>gmalaise</b>

Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Ripp@legis.wisconsin.gov**  
 Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**  
**gordon.malaise@legis.wisconsin.gov**

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Cancellation of telephone authorization for vehicle operation; reconciling rule provision in 35.93 with Act 20

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#### **Instructions:**

See attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 9/16/2013	kfollett 9/18/2013	phenry 9/18/2013	_____			
/1				_____	mbarman 9/18/2013	mbarman 9/18/2013	

FE Sent For:

<END>

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/?	agary	1/15/18	9/18/18				

FE Sent For:

&lt;END&gt;

## Gary, Aaron

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**From:** Portz, Elisabeth  
**Sent:** Monday, September 16, 2013 1:30 PM  
**To:** Gary, Aaron; Fiocchi, Tim  
**Subject:** RE: AB-262/SB-230: DOT rules, possible amendment

Yep, that's fine! I haven't discussed the amendment with anyone but DOT, and they'll speak to the amendment's purpose, not the specific LRB number.

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**From:** Gary, Aaron  
**Sent:** Monday, September 16, 2013 1:16 PM  
**To:** Portz, Elisabeth; Fiocchi, Tim  
**Subject:** RE: AB-262/SB-230: DOT rules, possible amendment

Yes, I can do them together. Is it OK if I combine them under a new LRB #? Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Portz, Elisabeth  
**Sent:** Monday, September 16, 2013 12:58 PM  
**To:** Gary, Aaron; Fiocchi, Tim  
**Subject:** RE: AB-262/SB-230: DOT rules, possible amendment

Yes that's fine. Is there a way you can combine it with the amendment we are offering for the fix for TRANS 133?

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**From:** Gary, Aaron  
**Sent:** Monday, September 16, 2013 9:31 AM  
**To:** Portz, Elisabeth; Fiocchi, Tim  
**Subject:** AB-262/SB-230: DOT rules, possible amendment

Liz and Tim,

AB-262 was drafted before the budget bill was enacted. I just realized that one of the provisions in AB-262 (s. 35.93 (3)) was affected by the budget act (Act 20). Do you want me to draft an amendment to reconcile AB-262 with Act 20? The changes would be non-substantive in nature. (Because of the way s. 35.93 is treated in Act 20, I'm not sure the revisor could fix this if we didn't reconcile through an amendment now.)

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: ARG) (Date: 9 / 16 / 13)

## Note:

**BOTH DRAFTS SHOULD HAVE THE  
SAME "REQUESTOR"**

(exception: companion bills)



Please transfer the drafting file for  
**2011 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)  
to the drafting file for


**2013 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)

-----OR-----



Please copy the drafting file for  
**2013 LRB** 90695 / 1 (include the version) (For: Rep / Sen. Riff)  
and place it in the drafting file for

**2013 LRB** 90824 (For: Rep / Sen. Riff)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history  
("guts") from the original file: \_\_\_\_\_



**ASSEMBLY BILL 277**

rule, the legislative reference bureau shall incorporate the changes made by each rule into the text of the unit and document the incorporation in a note to the unit. For each such incorporation, the legislative reference bureau shall include in a correction bill a provision formally validating the incorporation. Section 227.27 (2) is not affected by printing decisions made by the legislative reference bureau under this paragraph.

**SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b) or (bm).

**SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not apply to any change made by the legislative reference bureau under par. (b) or (bm).

**SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a record of each change made under par. (b) or (bm).

**SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

13.92 (4) (f) The legislative reference bureau shall notify the agency involved of each change made under par. (b) or (bm).

**SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 since the compilation of the preceding register, including emergency rules filed under s. 227.24 (3).

**SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

insert & amend

## ASSEMBLY BILL 277

insert  
A  
cont'd

1 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been  
2 affected by rules filed with legislative reference bureau under s. 227.20 (1) or  
3 modified under s. 227.265, in accordance with sub. (3) (e) 1. //

4 SECTION 8. 35.93 (3) of the statutes is amended to read:

5 35.93 (3) The legislative reference bureau shall compile and deliver to the  
6 department for printing copy for a register which shall contain all the rules filed  
7 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the  
8 preceding issue of the register was made and those executive orders which are to be  
9 in effect for more than 90 days or an informative summary thereof. The complete  
10 register shall be compiled and published before the first day of each month and a  
11 notice section of the register shall be compiled and published before the 15th day of  
12 each month. Each issue of the register shall contain a title page with the name  
13 "Wisconsin administrative register", the number and date of the register, and a table  
14 of contents. Each page of the register shall also contain the date and number of the  
15 register of which it is a part in addition to the other necessary code titles and page  
16 numbers. The legislative reference bureau may include in the register such  
17 instructions or information as in the bureau's judgment will help the user to correctly  
18 make insertions and deletions in the code and to keep the code current.

19 SECTION 9. 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin  
20 Act 20, is amended to read:

insert  
B

21 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the  
22 appropriate chapters of the Wisconsin administrative code each permanent rule filed  
23 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265  
24 and, for each chapter of the administrative code affected by a rule, do all of the  
25 following:



## ASSEMBLY BILL 277

## SECTION 10

1 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act  
2 20, is amended to read:

3 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register  
4 in accordance with the filing deadline for publication established in the rules  
5 procedures manual published under s. 227.15 (7) or, in an end-of-month register  
6 agreed to by the submitting agency and the legislative reference bureau, or, in the  
7 case of a rule modified under s. 227.265, in the end-of-month register for the month  
8 in which the bill modifying the rule is enacted. "

9 ~~SECTION 11. 227.01 (13) (intro.) of the statutes is amended to read:~~

10 227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy,  
11 or general order of general application which has the effect of law and which is issued  
12 by an agency to implement, interpret, or make specific legislation enforced or  
13 administered by the agency or to govern the organization or procedure of the agency.  
14 "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and  
15 s. 227.10 does not apply to, any action or inaction of an agency, whether it would  
16 otherwise meet the definition under this subsection, which:

17 ~~SECTION 12. 227.11 (2) (intro.) of the statutes is amended to read:~~

18 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency  
19 as follows:

20 ~~SECTION 13. 227.265 of the statutes is created to read:~~

21 ~~227.265 Repeal or modification of rules.~~ If a bill to repeal or modify a rule  
22 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.  
23 Instead, the legislative reference bureau shall publish the repeal or modification in  
24 the Wisconsin administrative code and register as required under s. 35.93, and the  
25 repeal or modification shall take effect as provided in s. 227.22.

## ASSEMBLY BILL 277

1 **SECTION 62.** DFI-SL 12.07 (2) (b) of the administrative code is amended to read:

2 DFI-SL 12.07 (2) (b) A customer furnishing another person with the plastic  
3 card or other means providing access device to the customer's account through a  
4 remote service unit shall be deemed to authorize all transactions that may be  
5 accomplished by that means until the customer has given actual notice to the  
6 association that further transactions are unauthorized.

7 **SECTION 63.** DFI-SL 12.08 (2) (intro.) of the administrative code is amended  
8 to read:

9 DFI-SL 12.08 (2) TRANSACTION DOCUMENTATION. (intro.) Every Except as  
10 provided in sub. (4), every transfer of funds made through a remote service unit by  
11 a customer of an association shall be evidenced by a written document made  
12 available to the customer at the time of the transaction. The document shall indicate  
13 with reasonable specificity the identity of any third party to whom funds are  
14 electronically transferred, the identity of the customer's account, the amount of  
15 funds transferred, the type of transaction and the date of the transaction. A  
16 customer may be required to reenter an access device, such as a card, at a terminal  
17 in order to receive transaction documentation if all the following conditions are met:

18 **SECTION 64.** DFI-SL 12.08 (4) of the administrative code is created to read:

19 DFI-SL 12.08 (4) EXCEPTION FOR WRITTEN DOCUMENT IN SMALL-VALUE TRANSFERS.  
20 An association is not subject to the requirement to make available a written  
21 document under sub. (2) if the amount of the transfer is \$15 or less.

22 **SECTION 65.** DFI-SL 12.09 of the administrative code is repealed.

23 **SECTION 66.** <sup>72 m</sup> **Effective dates.** This act takes effect on the day after publication,  
24 except as follows:

(insert  
C

**ASSEMBLY BILL 277**

(1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.  
of the statutes takes effect on January 1, 2015.

(END)

Insert  
C  
Cont'd  
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